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In re Patent No.: 7,255,155 B2

Inventors: Michael J. O'Donnell et al.

Issue Date: August 14, 2007

Serial No.: 10/721,682

Examiner: Tho V. Duong

Filing Date: November 25, 2003

Group Art Unit: 3744

Docket No.: 14-792C2D1 - 3768

Title: HEAT EXCHANGER TUBE WITH INTEGRAL RESTRICTING  
AND TURBULATING STRUCTURE

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FEB 29 2008

OFFICE OF PETITIONS

## MAIL STOP FEE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

02/28/2008 DALLEY 00000230 10721682

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700.00 DP

VERIFIED STATEMENT EXPLAINING ERROR IN CONNECTION WITH  
SMALL ENTITY STATUS

Dear Sir or Madam:

This verified Statement is made by the person having personal knowledge to explain how the error in good faith occurred and when it was discovered in connection with the accompanying NOTIFICATION OF ERROR IN PAYMENT OF FEE(S) AS A SMALL ENTITY, for the above-identified Patent Application No. 10/721,682 (hereinafter the "Application").

I, John R. Hlavka, having personal knowledge concerning the above error, declare:

1. I am a member of the intellectual property firm of TAROLLI, SUNHDHEIM, COVELL & TUMMINO, LLP; 1300 East Ninth Street Suite 1700, Cleveland, OH 44114. I am licensed to practice

Adjustment date: 06/02/2008 CKHLOK  
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07/05/2007 EAYALEW2 00000053 10721682  
01 FC:2501 -700.00 DP

05/02/2008 CKHLOK 00000007 200090 10721682  
01 FC:1501 40.00 DA 1400.00 DP

before the U.S. Patent and Trademark Office. My U.S. Patent and Trademark Registration No. is 29,076.

2. I am responsible for providing intellectual property law services, including the payment of all fees associated with the Application pre-issue and post-issue, for Beckett Gas, Inc., a corporation organized and existing under the laws of the State of Ohio and having a principal place of business at 38000 Taylor Parkway, North Ridgeville, Ohio 44039.
3. Beckett Gas, Inc. is the assignee of record of the Application.
4. During the prosecution of the '682 application, it was discovered Beckett Gas, Inc. should be considered a "large entity". As a result of this discovery, fee payments were made to the U.S. Patent Office in order to correct the deficiency. Except for the Issue Fee, all subsequent fees were paid as a large entity.
5. The Notice of Allowance and Fees Due form, that was received on April 9, 2007 incorrectly indicated that a small entity Issue Fee was due. The error on the Notice of Allowance went unnoticed and, as a result, the incorrect

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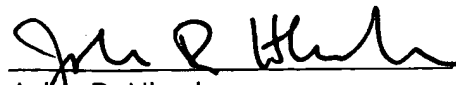
Issue Fee of \$1,000 was paid rather than \$1,700. The payment deficiency was \$700.00

**Total deficiency owed: \$700.00. (See enclosed PTO-2038 Form)**

6. Any error in paying the above listed fees as a small entity was without deceptive or fraudulent intent.
7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 101 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above identified Application.

Please charge any deficiency in fees or credit any overpayment to our Deposit Account No. 20-0090.

Date: 2/21/08

  
John R. Hlavka  
Reg. No. 29,076

TAROLLI, SUNDHEIM, COVELL  
& TUMMINO, LLP  
216-621-2234  
216-621-4072 (Facsimile)  
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